

11699. Misbranding of scratch feed. U. S. v. Quaker Oats Co., a Corporation. Plea of guilty. Fine, \$200 and costs. (F. & D. No. 17130. I. S. No. 9350-t.)

At the November, 1922, term of the United States District Court within and for the Western District of Tennessee, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against the Quaker Oats Co., a corporation, trading at Memphis, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about February 28, 1922, from the State of Tennessee into the State of South Carolina, of a quantity of scratch feed which was misbranded. The article was labeled in part: "100 Pounds When Packed Big Egg Scratch Grains No Grit The Quaker Oats Company Manufacturers And Distributors Address, Chicago, U. S. A."

Examination by the Bureau of Chemistry of this department of 68 sacks from the consignment showed that the average net weight of the sacks examined was 95.12 pounds.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "100 Pounds," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that the said statement represented that each of the said sacks contained 100 pounds of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said sacks contained 100 pounds of the article, whereas, in truth and in fact, each of said sacks did not contain 100 pounds of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 28, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11700. Adulteration of baled hay. U. S. v. John North and William North (North Bros.). Pleas of guilty. Fine, \$25 and costs. (F. & D. No. 12884. I. S. No. 11282-r.)

On April 12, 1922, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John North and William North, copartners, trading as North Bros., Kansas City, Mo., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about May 3, 1919, from the State of Missouri into the State of Nebraska, of a quantity of baled hay which was adulterated. The article was invoiced as prairie hay.

Examination of the article by the Bureau of Chemistry of this department showed that it contained strings of colored binder twine, long strands of hay wrapped with strings, and weeds and grass stems, evidently refuse from a carpet factory.

Adulteration of the article was alleged in the information for the reason that a certain substance, to wit, factory refuse and twine, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in whole or in part for prairie hay, which the article purported to be.

On May 27, 1922, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*